Remarks

After the foregoing amendment, claims 1 – 32 are pending, with claims 1, 12, 13, 19, 30, 31, and 32 being the independent claims. Claims 21 – 29 have been cancelled.

35 USC §102

Culliss

Claims 1 – 2, 10, 12, 21 – 23 and 29 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,539,377 ("Culliss"). As noted by Applicant in the previous response, Culliss does not describe identifying an operational context for a computer executed application. In the current Office Action, the Examiner cites the same passage from Culliss that was identified in the first office action as teaching the claimed identifying an operational context element of the invention, namely column 3, lines 45 – 56, set forth in full below:

> Inferring Personal Data
> Users can explicitly specify their own personal data, or it can be inferred from a history of their search requests or article viewing habits. In this respect, certain key words or terms, such as those relating to sports (i.e. "football" and "soccer"), can be detected within search requests and used to classify the user as someone interested in sports. Also, certain known articles or URLs can be detected in a users searching or browsing habits, such as those relating to CNNfn (www.cnnfn.com) or Quote.com (www.quote.com), and also used to classify the user as someone interested in finance.

However, the Examiner fails to explain how the certain key words or terms of a search request (that are described by Culliss as being used to infer personal data about a user) relate in any way the claimed step of identifying an operational context of the computer executed application. Instead, the Examiner creates a hypothetical example about MICROSOFT WORD and a hypothetical query about the SAVE command in MICROSOFT WORD. No such teaching is provided in Culliss. Furthermore, the Examiner doesn't even propose a combination of Culliss and Microsoft Word under 35 USC § 103, a combination for which Culliss provides absolutely no motivation.

Accordingly, the Examiner's hypothetical example is both outside of the scope of the 102 rejection (i.e., not based on Culliss) and it is firmly grounded in the Examiner's knowledge of the

claimed invention. Therefore, the hypothetical example is an improper basis for rejection of any claim because is it polluted with hindsight.

Furthermore, in the present Office Action, the Examiner did not identify what application Culliss teaches as the computer executed application as claimed in claim 1. A review of the Culliss passage set forth above does not identify any such application taught by Culliss and indeed a review of the entire Culliss reference does not identify any such application from which an operational context may be identified. Accordingly, Culliss cannot properly establish a prima facie case of unpatentability under 102(e).

The same is true for the claimed step of identifying a category that is associated with the identified context. Because Culliss does not disclose identifying an operational context of a computer executed application, Culliss cannot disclose identifying a category that is associated with the identified context. For this additional reason, Culliss cannot properly establish a prima facie case of unpatentability under 102(e).

Accordingly, a prima facie case of anticipation of pending independent claims 1 and 12 under Culliss has not been properly established and the finality of such rejection is improper. Furthermore, because the pending independent claims are not anticipated by Culliss, Applicant respectfully requests a notice of allowance of claims 1 and 12 and their respective dependent claims.

Warthen

Claim 13 stands rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,584,464 ("Warthen"). The Examiner's assertion that the keywords taught by Warthen somehow teach the suggestion module of claim 13 is too far of a stretch. The Examiner provides no adequate explanation of this assertion other than the paragraph 13 reprinting of Applicant's claim language followed by a citation to two inapposite passages in Warthen that say nothing about providing a list of questions and answers in response to a request for assistance with a computer executed application. At most, and this is consistent with the Ask Jeeves web service, Warthen teaches providing an answer to a question. Accordingly, Warthen cannot properly establish a prima facie case of unpatentability under 102(e) because Warthen fails to teach every element of claim 13. Applicant respectfully asserts that independent claim 13 and its respective dependent claims are presently in condition for allowance and a notice of allowance is respectfully requested.

Lin

Claim 32 stands rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,675,159 ("Lin"). Lin does not teach that questions without answers are stored in the knowledge database. To the contrary, Lin teaches that questions that cannot be answered return a response of "no documents found." (Column 11, Lines 64 – 65).

Furthermore, Lin does not fairly teach that questions that have no associated answer are stored in the knowledge database. The Examiner notes in paragraph 16 of the Office Action that under Lin, since the query is pending while waiting for a response from the engineer, it is inherent that the query must be stored in the system. The Examiner misinterprets the teaching of Lin. What Lin tries to explain is that sometimes its retrieval system fails to produce a valid response. In such an instance the persistent agent notifies a knowledge engineer. See Col. 12, lines 20 – 29.

Lin does not teach that an administrator provides an answer, as required by claim 32. Moreover, Lin's teaching regarding a knowledge engineer (Column 12, Lines 19 – 29) does not suggest that the engineer provides an answer to any unanswered questions. That passage teaches that the knowledge engineer confirms that an unanswered query is a new concept. This does not answer the question, but rather allows the persistent agent to add the new concept to Lin's ontology and then monitor new documents as they are indexed and presumably include indications that a document is related to the newly identified concept. This teaching does not suggest that the knowledge engineer provide at least one new answer to an unanswered question stored in a knowledge database. Accordingly, Applicants submit that claim 32 is presently in condition for allowance.

35 USC §103

The failings of the individually cited references to teach the independent claims is not remedied by their combination or by the addition of U.S. Patent 6,768,790 ("Manduley"). Accordingly, Applicant asserts that independent claims 30 and 31 and each of the dependent claims are presently in condition for allowance and a notice of allowance is respectfully requested.

Claim 19 stands rejected under section 103(a) as being unpatentable over Culliss and Lin in view of Warthen. As previously set forth above, Culliss fails to teach the step of identifying a category that is associated with the context of a computer executed application. The combination of

Lin and Warthen fails to cure Culliss' absence of teaching this aspect of the invention. Accordingly, Applicants submit that claim 19 is presently in condition for allowance.

Conclusion

In view of the above Amendments and Remarks, Applicant submits that all pending claims are presently in condition for allowance and a notice of allowance is respectfully requested. If a telephone conference may in any way advance the prosecution of this application, the Examiner is respectfully urged to contact the undersigned at the number listed below.

Respectfully submitted,
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Dated: December 16, 2005

By: _____
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